

EX PARTE OR LATE FILED

ORIGINAL

RECEIVED

HALPRIN TEMPLE

555 12TH STREET N W , SUITE 950 NORTH

AUG - 2 2002

WASHINGTON D C 20004
1202 371 9100 TELEFAX (202) 371 1497

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ALBERT HALPRIN
RILEY K. TEMPLE
STEPHEN L. GOODMAN

JOEL BERNSTEIN

JANICE OBUCHOWSKI
OF COUNSEL

August 2, 2002

ORIGINAL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: *Progeny LMS, LLC Petition for Rulemaking to Amend Part 90 of the Commission's Rules Governing Location and Monitoring Service To Provide Greater Flexibility, RM-10403.*

Oral *ExParte* Presentation

Dear Ms. Dortch:

On Friday, August 1, 2002, Janice Obuchowski, President of Freedom Technologies, Inc., Albert Halprin, partner of the law firm Halprin Temple, and independent engineer Barclay Jones met with Evan Kwerel, John Williams and Sherille Ismail of the Office of Plans and Policy. The meeting was held to discuss several issues related to the above-captioned rulemaking petition, in which Progeny has sought changes in the rules governing Location and Monitoring Service (LMS) licensees in the 902-928 MHz band. Progeny has sought the elimination or modification of rules that:

- (1) Prevent the aggregation of existing multilateration LMS sub-bands;
- (2) Restrict real-time interconnection with the public switched telephone network (PSTN);
- (3) Restrict the types of communications or services that LMS operators may provide; and
- (4) Require field-testing of LMS devices and establish a "safe-harbor" presumption of noninterference to LMS operations by unlicensed wireless devices.


The meeting included a discussion of potential technical approaches to prevent undue interference between licensees and unlicensed operators in the 902-928 MHz band.

No. of Copies rec'd 041
List ABCDE

Marlene H. Dortch, Secretary
August 2, 2002
Page 2

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this original and one copy for submission. Should you have any questions or concerns in connection with this submission, please contact me at (202) 371-9100.

Respectfully yours,



Joel Bernstein

cc: Evan Kwerel, OPP
John Williams
Sherille Ismail